

Budget Amendments and Private Funds

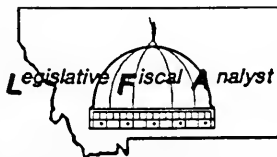
*A Report on Requests for Increased
Budget Authority*

Prepared for the
Legislative Finance Committee
by

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Roger Lloyd & LFA Staff

June 9, 1994



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STATE OF MONTANA
Office of the Legislative Fiscal Analyst

DATE: June 9, 1994

TO: Legislative Finance Committee

FROM: Roger Lloyd
Associate Fiscal Analyst *Roger Lloyd*

RE: Budget Amendments/Requests to Spend Private Funds

The executive branch has certified 22 budget amendments, recertified one budget amendment previously considered by the committee, and submitted two requests to spend private funds for the committee's review. The Board of Regents has certified three budget amendments.

The director of the Office of Budget and Program Planning (OBPP) reported that three budget amendment requests were denied. In addition, the director reported that the executive recommends denial of a budget amendment request from the Office of Public Instruction (OPI), but forwarded the request, without certification, to the Legislative Finance Committee (LFC) for discussion. The budget amendment (#0916) requested \$800,000 of school equalization account funds for higher than anticipated costs of school transportation. A letter to the LFC from OBPP director, Dave Lewis, is attached explaining the reasons for the denial. A letter from the State Superintendent of Public Instruction, Nancy Keenan, is also attached.

As summarized in Table 1, proposed budget amendments would add \$3,298,085 in fiscal 1994, and \$2,552,085 in fiscal 1995 for a total of \$5,850,170. These amendments would add 0.26 FTE in fiscal 1994 and 6.30 FTE in fiscal 1995.

Table 1 Budget Amendment Summary June 9, 1994		
	<u>Fiscal 1994</u>	<u>Fiscal 1995</u>
Number of Amendments *	12	20
FTE Added	0.26	6.30
State Special	\$0	\$95,000
Federal	259,344	2,263,132
Proprietary	81,000	193,953
Current Unrestricted	2,957,741	0
Total	\$3,298,085	\$2,552,085
* 6 amendments request funding for both fiscal 1994 and 1995.		

As summarized in Table 2, requests to spend private funds would add \$340,000 in fiscal 1995.

Table 2 Private Funds Summary June 9, 1994		
	<u>Fiscal 1994</u>	<u>Fiscal 1995</u>
Number of Requests	0	2
FTE	0.00	0.00
State Special	\$0	\$340,000

House Bill 23, passed during the 1993 session, established criteria for the acceptance and expenditure by state agencies of certain money from private sources. Before an agency may spend private funds in excess of \$5,000, the approving authority must submit to the LFC a copy of the agreement and a certification containing:

"(a) the specific service that will be provided; (b) the proposed duration of the agreement; and (c) a statement concerning the degree to which the agreement may result in an ascertainable present or future commitment for general fund support."

Table 3 lists in numerical order the proposed budget amendments and requests to spend private funds, administering agency, amount, FTE, and a short description for each. Staff have reviewed these requests and raised concerns regarding compliance with statutory criteria on three budget amendments. Attachment A explains the concerns in detail.

Table 3 Budget Amendments & Private Funds June 9-10, 1994 LFC Meeting

No.	Agency	Funding	Amount FY 1994	FY 1995	Total FYTE FY 1994 FY 1995	Purpose	Concerns Yes No
Budget Amendments							
0008*	Highway Traffic Safety	Federal	40,740			Contracted services to improve the Highway Info. System & coordinate agencies using the system	X
0009	Crime Control Division	Federal	50,000			Additional federal funds to pay crime victims' benefits	X
0010*	Crime Control Division	Federal	50,000			Enhance capability of division's statistical analysis center	
0011*	Governor's Office	Federal	123,600		1.00	Allow state to accept federal funding for the Montana Rural Development Council Exec. Dir. position and associated council expenditures	X
0012*	Office of Public Instruction	Federal	269,828			Federal funds (Goals 2000) awarded as grants to local school districts to develop standards	X
0013*	Office of Public Instruction	Federal	179,884		2.00	Federal funds (Goals 2000) to develop state education improvement plan	X
0014*	Office of Public Instruction	Federal	75,980			Federal funds to be used to develop curriculum integrating the arts with english instruction	X
0015*	Office of Public Instruction	Federal	73,000			Federal grants to districts to develop curriculum integrating the arts with english instruction	X
0016	Transportation	State Special	95,000			Purchase equipment for airport navigation systems	X
0017*	Transportation	Federal	280,000			Federal funds to conduct random testing of fuel samples	X
0018*	Health & Environmental Sciences	Federal	103,673			Development of a lead certification program, lead training, and accreditation of the Chemistry Lab	X
0019	Health & Environmental Sciences	Federal	110,000			Immunization assessment activities and development of a State Immunization Information System	X
0020*	Dept. of Labor and Industry	Federal	72,221		1.50	Continue study, identification, and initiation of legal proceedings on housing discrimination against American Indians; expenditure of funds originally approved in 1114 by 1993 Legislature, but delay in receipt of grant funds will extend project into fiscal 1995	X
0021	Montana Historical Society	Proprietary	25,000		0.50	Revenue from sales for staff & computer for additional cataloging & imaging per 17-7-402, MCA	
1098	State Lands	Federal	24,300		0.20	Pay fire dispatch costs to be reimbursed by USFS that were previously a based along with the revenue	
1145	Dept. of Labor and Industry	Federal	69,244		0.26	Provider services to workers dictated by the closure of the Crown Pacific Inland Sawmill	X
1146	Dept. of Labor and Industry	Federal	172,500			Provider services, such as training, job search or relocation assistance, to workers dislocated by business closures due to receipt of additional Trade Adjustment Act funds	X
1151	Administration	Proprietary	51,000			Pay costs due to increased mail volume and US postage increase	X
1155	Historical Society	Proprietary	20,000			Authority to spend additional revenue from sales to print two additional books per 17-7-402, MCA	X
1169*	Department of Justice	Federal	10,000			Additional federal funds for the Marijuana Eradication Program (\$12,000 in 1112)	X
1170	Department of Justice	Proprietary	10,000			Additional authority to spend funds from monthly legal services billing to client agencies	X
1173	Department of Justice	Federal	20,000			Highway Traffic Safety pilot project with Highway Patrol (Helenia) to equip cars with laptop computers	X
1181	Crime Control Division**	Federal	(31,600)			Enhance capability of division's statistical analysis center	X
U002	Ag. Experiment Station	Cur. Unrest.	293,611			Plant funds, add 1 fed. rev., sales and service rev. to fund retirement payments and renovation of lab.	X
U003	Sax University Units	Cur. Unrest.	1,602,149			Additional tuition over appropriated level. Additional class sections/support services.	X
	MSU - Missoula	Cur. Unrest.	499,627			Additional tuition over appropriated level. Retirement incentive payments.	X
	MSU - Bozeman	Cur. Unrest.	65,244			Additional tuition over appropriated level. Additional class sections/retirement incentive payments.	X
	Montana Tech of UM	Cur. Unrest.	104,684			Additional tuition over appropriated level. Retirement incentive payments/scholarships and fellowships.	X
	WACUM	Cur. Unrest.	36,363			Additional tuition over appropriated level. Retirement incentive payments.	X
	MSU - Billings	Cur. Unrest.	92,677			Additional tuition over appropriated level. Retirement incentive payments.	X
	MSU - Northern	Cur. Unrest.				Additional tuition over appropriated level. Retirement incentive payments.	X
	Vocational Technical	Cur. Unrest.	45,000			Increased tuition revenue	X
	Billings Vo Tech	Cur. Unrest.	68,000			Increased tuition revenue	X
	Butte Vo Tech	Cur. Unrest.	75,366			Increased tuition revenue	X
	Great Falls Vo Tech	Cur. Unrest.	75,000			Increased tuition revenue	X
	Minnesota Vo Tech	Cur. Unrest.				Increased tuition revenue	X
Totals - 26 Bud. Amend. items			3,298,085	2,552,085	0.26		6.30
Private Funds							
P0005*	Health Care Authority***	State special		90,000		Long-Term Care Project - evaluation of MT's long-term care services with recommendations to the legislature for changes	X
P0006*	Health Care Authority***	State special		250,000		MT Comp. Health Care Reform Project--develop universal access plans and cost containment strategies	X
Totals - 2 Private Funds			0	340,000	0.00		0.00

* Funds have not yet been received by the state.

** LFC previously determined that the \$50,000 request met statutory criteria. Approving authority reauthorized to allow fiscal 1995 expenditures of unspent balance.

*** Private grant funds from Robert Wood Johnson Foundation require a 25% state match. Current FY 1995 general fund appropriation authority will be used to provide the match necessary for FY 1995 and FY 1996 grant funds.

Four budget amendments request additional authority in the proprietary fund. Statute provides that a budget amendment may not be approved by the approving authority except one to spend "... additional revenue deposited in the internal service funds [proprietary] within the department [administration] or the office of the commissioner of higher education as a result of increased service demands by state agencies, Montana historical society enterprise [proprietary] revenue resulting from sales to the public...". No other exceptions exist for proprietary funds. The Montana Historical Society requests #0021 and #1155, and Department of Administration request #1151 fall within the statutory exception. The Department of Justice request #1170 is not listed in statute as an exception and therefore, does not meet statutory criteria.

Budget amendment #1181 is a recertification by the Office of Budget and Program Planning to change budget amendment #0015 (reviewed by the LFC at the June 1993 meeting) to a biennial appropriation. The request would reduce the fiscal 1994 authority by \$31,800 (the estimated unspent amount at the end of fiscal 1994) and add the same amount to fiscal 1995. Amendment #0015 added \$50,000 of federal authority to the Crime Control Division to enhance the capability of the statistical analysis center. The LFC found that the amendment met statutory criteria.

Budget amendments marked with a single asterisk would add spending authority for funds which have not yet been received by the state. The LFC may want to condition its acceptance of these amendments on receipt of the funds.

Private grant funds, #P0005 and #P0006, from the Robert Wood Johnson Foundation require a 25 percent state match. The duration of these grants span fiscal years 1995 and 1996. The requests in this report represent only the fiscal 1995 portion of the grants. However, since current level general fund will be used to provide the match for the entire grant amounts, there is no future or present increased commitment of general fund.

Table 4 shows all budget amendments that have been reviewed by the committee for the 1995 biennium, including the budget amendments being presented to the LFC in this report. Also included are the budget amendments in House Bill 4 (budget amendment bill) from the 1993 session. The total to date for the biennium is 127 amendments for \$20,251,415 and 29.88 FTE.

Table 4
Budget Amendments Reviewed
1995 Biennium

<u>Meeting Date</u>	<u># of Amendments</u>	<u>FY94</u>	<u>FY95</u>	<u>Biennial Total</u>	<u>FTE</u>
House Bill 4 - 1993 Session	8	\$1,369,112	\$0	\$1,369,112	N/A
June 25, 1993	17	871,748	166,175	1,037,923	1.58
September 9, 1993	35	3,458,956	672,506	4,131,462	7.94
November 29, 1993	24	3,907,057	2,319,339	6,226,396	5.83
March 11, 1994	<u>17</u>	<u>\$984,521</u>	<u>\$651,831</u>	<u>\$1,636,352</u>	<u>8.23</u>
Prior Totals	101	\$10,591,394	\$3,809,851	\$14,401,245	23.58
June 9, 1994	26	\$3,298,085	\$2,552,085	\$5,850,170	6.30
Current Totals	127	\$13,889,479	\$6,361,936	\$20,251,415	29.88

Table 5 shows all requests to spend private funds that have been reviewed by the LFC for the 1995 biennium.

Table 5
Requests to Spend Private Funds
1995 Biennium

<u>Meeting Date</u>	<u># of Requests</u>	<u>FY94</u>	<u>FY95</u>	<u>Biennial Total</u>	<u>FTE</u>
June 25, 1993	0	\$0	\$0	\$0	0.00
September 9, 1993	0	0	0	0	0.00
November 29, 1993	0	0	0	0	0.00
March 11, 1994	<u>4</u>	<u>1,469,835</u>	<u>75,000</u>	<u>1,544,835</u>	<u>2.00</u>
Prior Totals	4	\$1,469,835	\$75,000	\$1,544,835	2.00
June 9, 1994	2	\$0	\$340,000	\$340,000	0.00
Current Totals	6	\$1,469,835	\$415,000	\$1,884,835	2.00

LEGISLATIVE FINANCE COMMITTEE ROLE

The LFC can neither approve nor deny proposed budget amendments or requests to spend private funds. The committee determines if the requests meet or do not meet statutory criteria and forwards its report to the approving authorities. Irrespective of the LFC findings, the approving authority may either approve or deny the request after the report is received. If no report is received, the approving authority may either approve or deny the request after 90 days of the committee meeting.

STANDARD MOTION LANGUAGE

1. I move that the Legislative Fiscal Analyst be authorized to notify the approving authority that budget amendment numbers 0008, 0009, 0010, 0012, 0013, 0014, 0015, 0016, 0017, 0018, 0019, 0020, 0021, 1145, 1146, 1151, 1155, 1169, 1173, 1181, U002, U003, and U004 and requests to spend private funds numbers P0005 and P0006 as submitted meet statutory criteria, with budget amendments numbers 0008, 0010, 0012, 0013, 0014, 0015, 0017, 0018, 0020, and 1169 and requests to spend private funds numbers P0005 and P0006 contingent on receipt of the funds.
2. I move that the Legislative Fiscal Analyst be authorized to notify the approving authority that budget amendment numbers 0011, 1098, and 1170 as submitted do not meet statutory criteria.

Deficient Budget Amendments

Governor's Office - Lt. Governor's Office #0011 - The Montana Rural Development Council operates under a memorandum of understanding between the state and the U.S. Department of Agriculture (USDA) and is governed by an executive committee composed of representatives from the Governor's Office; federal, local and tribal governments; and the private sector. The director was hired in the fall of 1992 and funded directly with federal (USDA) funds as part of the President's Initiative on Rural America. It was not included in House Bill 2 during the 1993 session as a federally funded state function, although it could have been administratively attached to a state agency and included in House Bill 2.

This budget amendment requests to transfer administration of an existing program from the federal government (USDA) to the State of Montana (Lieutenant Governor's Office), including spending authority for the federal funds.

The budget amendment fails to meet statutory criteria because: 1) since the program in its current form has been ongoing since the fall of 1992, it does not appear to provide additional services (documentation submitted states that under state administration the program would be operated more effectively and efficiently, but does not list specific additional services as required by statute); 2) since it is not a new program but a request for a change in administrative jurisdiction, it could have been presented to the 1993 Legislature; and 3) a reasonable alternative, continuing the program under federal administration, is available.

Department of State Lands - Forestry Program #1098 - This budget amendment fails to meet the statutory criteria because it does not: 1) provide new services; and 2) consider reasonable alternatives for funding. Services that would be funded with this amendment are already being provided. Funding options the department could consider include: 1) an appropriation transfer from fiscal 1995; 2) a request for additional authority in the supplemental bill during the 1995 Legislature; and 3) current level program funding or a program transfer from another program. The agency was budgeted \$6,889,035 federal funds in fiscal 1994 and \$6,930,999 in fiscal 1995.

The department abated fiscal 1993 revenue received from the U.S. Forest Service for services provided at the Central Land Office, and reduced expenditures by \$29,731. In the department's November 1993 audit, the Legislative Auditor recommended an accounting change to record revenue and expenditures on SBAS rather than abating them so that revenue and expenditures would not be understated. Since these expenditures were not recorded on SBAS in fiscal 1992, the department did not receive appropriation authority in its 1995 biennium budget. To the extent that the services funded by these expenditures are currently being provided, this budget amendment provides no new services.

If the department continues to abate these revenues and expenditures for the remainder of fiscal 1994, the Legislature Auditor plans to again issue an audit exception.

Department of Justice - Legal Services #1170 - The agency requests increased spending authority for a proprietary account. Section 17-7-402, MCA allows some agencies to request proprietary fund spending authority through the budget amendment process, but the Department of Justice is not included in that list. Therefore, this budget amendment fails to meet statutory criteria.

RL3C:lm:ba5-31.rpt

OFFICE OF THE GOVERNOR
BUDGET AND PROGRAM PLANNING

STATE OF MONTANA



MARC RACICOT
GOVERNOR

PO Box 200802
HELENA, MONTANA 59620-0802

M E M O R A N D U M

TO: Clayton Schenck, Legislative Fiscal Analyst
Office of the Legislative Fiscal Analyst

FROM: *David Lewis*
David M. Lewis, Budget Director
Office of Budget and Program Planning

RE: BUDGET AMENDMENT DENIAL

DATE: May 19, 1994

Budget Amendment request #916 of the Office of Public Instruction requests \$800,000 of School Equalization Account (SEA) funds for higher than anticipated costs of school transportation. I believe this amendment represents a commitment of general fund support in that any increased spending from the school equalization account either increases the general fund supplemental required or reduces the reversion to the general fund from the SEA. Because this amendment is in violation of 17-7-402(b) which prohibits a budget amendment making a commitment of general fund support I recommend denial.

On numerous occasions in the past, higher than anticipated costs for school transportation have been funded through supplemental appropriations. This appears to be a more appropriate way to deal with the issue contained in this budget amendment.

The Office of Public Instruction has expressed a wish to pursue a budget amendment. Because of OPI's insistence and the Legislative Finance Committee's central role in budget amendments I am forwarding the amendment for your information and discussion. I will seriously consider any recommendations which the committee may wish to make and review my denial if subsequent information indicates it is warranted.

The Office of Public Instruction

Nancy Keenan
State Superintendent



State Capitol
PO Box 202501
Helena, Montana 59620-2501
(406) 444-7362
FAX No. (406) 444-2893

May 19, 1994

TO: Clayton Schenck, Legislative Fiscal Analyst
FROM: Nancy Keenan NK
SUBJECT: Finance Committee Agenda

I would appreciate it if you would schedule some time for OPI on the Finance Committee agenda on June 10, 1994. I would like to discuss the need for a budget amendment in the SEA to allow us to pay the full state share of pupil transportation costs. The amount of the budget amendment is approximately \$800,000 for FY94.

We are presently in discussions with the Budget Office as to whether or not this would qualify as a budget amendment. Assuming we still have a difference of opinion on June 10, 1994, I would like to bring this issue to the attention of the Finance Committee.

Thanks for your assistance.

cc: Dave Lewis
Skip Culver
Representative Ray Peck



STATE OF MONTANA
Office of the Legislative Fiscal Analyst

DATE: June 8, 1994
TO: Legislative Finance Committee
FROM: Roger Lloyd
Associate Fiscal Analyst
RE: Budget Amendment Update

A handwritten signature in cursive script, appearing to read "Roger Lloyd".

Due to concerns raised by Legislative Fiscal Analyst staff when they reviewed budget amendments certified by the Office of Budget and Program Planning, the following changes were made to two budget amendments.

1. Budget amendment #1151 was reduced by 0.63 FTE and \$15,149 proprietary funds.
2. Budget amendment #1170 was withdrawn for a reduction of \$10,000 proprietary funds.

These changes are reflected in the attached table and the table below.

Table 1 Budget Amendment Summary June 9, 1994		
	<u>Fiscal 1994</u>	<u>Fiscal 1995</u>
Number of Amendments *	11	20
FTE Added	0.26	6.30
State Special	\$0	\$95,000
Federal	259,344	2,263,132
Proprietary	71,000	193,953
Current Unrestricted	2,957,741	0
Total	\$3,288,085	\$2,552,085
* 6 amendments request funding for both fiscal 1994 and 1995.		

Table 3
Budget Amendments & Private Funds
June 9-10, 1994 LFC Meeting

No.	Agency	Funding	Amount FY 1994	FY 1995	Total FY1994 FY 1994	Total FY1995 FY 1995	Purpose	Concerns Yes No
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0010*	Crime Control Division	Federal	50,000				Enhance capability of division's statistical analysis center	X
0011*	Governor's Office	Federal	123,600				Allow state to accept federal funding for the Montana Rural Development Council Exec. Dir. position and associated council expenditures	X
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0013*	Office of Public Instruction	Federal	179,884				Federal funds (Fiscal 2000) to develop state education improvement plan	X
0014*	Office of Public Instruction	Federal	75,980				Federal funds to be used to develop curriculum integrating the arts with english instruction	X
0015*	Office of Public Instruction	Federal	73,000				Federal grants to districts to develop curriculum integrating the arts with english instruction	X
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0017*	Transportation	Federal	280,000				Federal funds to conduct random testing of fuel samples	X
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0019	Health & Environmental Sciences	Federal	110,000				Immunization assessment activities and development of a State Immunization Information System	X
0020*	Dept. of Labor and Industry	Federal	72,221				Continue study, identification, and initiation of legal proceedings on housing discrimination against American Indians; expenditure of funds originally approved in 11B 4 by 1993 Legislature, but delayed in receipt of grant funds will extend project into fiscal 1995	X
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1146	Dept. of Labor and Industry	Federal	172,500				Business closures due to receipt of additional Trade Adjustment Act funds	X
1151	Administration	Proprietary	51,000				Pay costs due to increased mail volume and US postage increase	X
1155	Historical Society	Proprietary	20,000				Authority to spend additional revenue from sales to print two additional books per 17-7-402, MCA	X
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	UM - Missoula	Cur. Unrest.	499,627				Additional tuition over appropriated level. Retirement incentive payments.	X
	MSU - Bozeman	Cur. Unrest.	65,244				Additional tuition over appropriated level. Additional class sections/retirement incentive payments.	X
	Montana Tech of UM	Cur. Unrest.	104,684				Additional tuition over appropriated level. Retirement incentive payments/scholarships and fellowships.	X
	WMCUM	Cur. Unrest.	36,363				Additional tuition over appropriated level. Additional class section.	X
	MSU - Billings	Cur. Unrest.	92,677				Additional tuition over appropriated level. Retirement incentive payments.	X
	MSU - Northern	Cur. Unrest.	48,000				Increased tuition revenue	X
	Vocational Technical	Cur. Unrest.	65,000				Increased tuition revenue	X
	Billings Vo Tech	Cur. Unrest.	45,000				Increased tuition revenue	X
	Butte Vo Tech	Cur. Unrest.	75,386				Increased tuition revenue	X
	Great Falls Vo Tech	Cur. Unrest.	75,000				Increased tuition revenue	X
	Missoula Vo Tech	Cur. Unrest.	75,000				Increased tuition revenue	X
Totals - 25 Ind. Amendments			3,208,085	2,552,085	0.26	6.30		
Private Funds								
P0005*	Health Care Authority**	State special		90,000			Long - Term Care Project - evaluation of MT's long-term care services with recommendations to the legislature for any changes	X
P0006*	Health Care Authority**	State special		250,000			MT Comp. Health Care Reform Project - develop universal access plans and cost containment strategies	X
Totals - 2 Private Funds			0	340,000	0.00	0.00		

* Funds have not yet been received by the state.

** LFC previously determined that the \$50,000 request met statutory criteria. Approving authority re-certified as a continuing appropriation to allow fiscal 1995 expenditures of unspent balance.

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